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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

DB000852-000

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on 13 December 2005

Signature

Typed or printed name Paul D. Bangor, Jr.

Application Number

09/582,771

Filed

29 August 2000

First Named Inventor

Norbert W. Quast

Art Unit

2126

Examiner

Phuong N. Hoang

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒

attorney or agent of record.

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attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34

13 December 2005

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒*Total of 1 forms are submitted.

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Attorney for Applicant

Date: 13 December 2005

U.S. Appl. No.: 09/582,771
Applicant(s): Norbert W. Quast
Filed: 29 August 2000
Title: PROGRAM FLOW AND METHOD FOR EXPANDING
A PROGRAM COMPONENT SYSTEM

Art Unit: 2126
Examiner: Phuong N. Hoang

Docket No.: DB000852-000

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REASONS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

As part of the Pre-Appeal Brief Request for Review filed herewith, Applicant respectfully submits the following remarks/arguments regarding the above-identified application.

REMARKS

Claims 1-16 remain in the application.

Claims 1, 3 – 6, and 8 – 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Purtilo “Improving module reuse by interface adaptation,” p. 208 – 217 (“PURTILO”) in view of Srivastava, U.S. Patent No. 6,473,768 B2, (“SRIVASTAVA”). Claims 2 and 7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over PURTILO in view of SRIVASTAVA, and further in view of Craze, U.S. Pat. No. 5,809,564. Claim 16 stands rejected under 35 U.S.C. 103(a) as being unpatentable over PURTILO in view of SRIVASTAVA, and further in view of Nilsen, U.S. Pat. No. 6,438,573.

With respect to claims 1-9, it is respectfully submitted that PURTILO and/or SRIVASTAVA fail to teach selecting the source of the data to be acquired within said second component and/or selecting the target to which said data is to be deposited within said second component according to a definition of said first component. In contrast, PURTILO teaches,

for example, that the calling component (i.e., the employee record database) supplies the called component (i.e., the envelope printing routine) with data whose source is defined in the calling component (e.g., Employee Name: str, Address: str[4] , Sex: str, Age: int, SocNum: int, Salary: float). PURTILO further teaches that a translation program (i.e., NIMBLE) is used to adapt the data into a format that is acceptable to the called component (e.g., Sex: int, Name: str, Address: str[4]). (See, PURTILO page 209, last paragraph – page 211, first paragraph.) It is respectfully submitted that PURTILO fails to teach selecting the source of the data to be acquired within said second component and/or selecting the target to which said data is to be deposited within said second component according to a definition of said first component.

SRIVASTAVA is directed to components having a modifier engine, responsive to software tools, inserted therein. (See col. 3, line 24 – 30.) SRIVASTAVA teaches that modifications to the application may be made while the application is executed using the modifier engine. (See col. 3, line 24 – 30.) It is respectfully submitted that SRIVASTAVA fails to teach selecting the source of the data to be acquired within said second component and/or selecting the target to which said data is to be deposited within said second component according to a definition of said first component.

Furthermore, the present invention departs from the traditional principles of computer science taught by PURTILO/SRIVASTAVA and, in fact, reverses them. After the first component has been called, data acquisition is performed wherein the source of the data to be acquired by the first component is selected according to a definition of the first (i.e., called) component¹. This reverses the usual principle (e.g., used by both PURTILO and SRIVASTAVA) that the calling component supplies the called component with data whose source is defined in the calling component. Likewise, during execution of the first component, data disposal is performed wherein the target to which the data is to be deposited is selected according to a definition of the first (i.e., currently executed) component. This reverses the usual principle that the executed component just returns the resultant data to the calling component without any control as to where this data will be stored or further used.

Neither PURTILO nor SRIVASTAVA teach that the source of the data to be acquired by the first (i.e., called) component is selected according to a definition of this component.

¹ The Examiner's argument on page 9 of the final office action that claim 1 does not clearly recite that the first component is the "called component" is disingenuous. Claim 1 includes the recitation: "said method comprising the following steps that are performed after a first component of said several components has been called and during the execution of the program portion of said first component". Thus, it would be clear to one of ordinary skill in the art, when comparing claim 1 with PURTILO, that the first component of claim 1 is the "called component" and the second component of claim 1 is the "calling component".

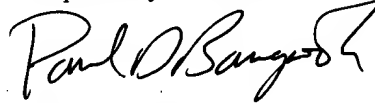
Instead, the called component is supplied with the data in the "usual" way by the calling component. Furthermore, neither PURTILO nor SRIVASTAVA disclose that the target to which the data is to be deposited is selected according to a definition of the first (i.e., currently executed) component.

For the reasons discussed above, it is believed that independent claim 1 and its dependent claims, claims 2-9, are in condition for allowance. Accordingly, Applicant respectfully requests that the rejections of claims 1-9 under 35 U.S.C. § 103(a) be withdrawn.

With respect to claims 10-16, independent claim 10 recites "modifying each of said several components of the program component system in which at least one docking point was found by entering call information at each docking point found, said call information indicating said further component". In contrast, PURTILO teaches that modifications are not made to any component. More specifically, PURTILO states "[t]he central idea is to provide this parameter-coercion capability without changing the source code of the modules involved." (See page 208, right column, lines 5 - 7, emphasis added.) PURTILO, therefore, teaches away from the subject matter of claim 10. Instead of changing any existing module, PURTILO teaches the creation of an additional execution-time module to perform the coercion during each invocation. (See page 208, right column, lines 12 - 13). The Examiner's contention at pages 9-10 of the final office action that the "annotated actual parameter list" provided in PURTILO teaches this modifying step of claim 10 is not well founded since the "annotated actual parameter list" of PURTILO does not indicate a "further component" of any program component of claim 10. It is respectfully submitted that SRIVASTAVA also fails to teach the "modifying" step of claim 10. Thus, it is believed that independent claim 10 and its dependent claims, claims 11-16, are in condition for allowance. Accordingly, Applicant respectfully requests that the rejection of claims 10-16 under 35 U.S.C. § 103(a) be withdrawn.

In view of the foregoing, it is respectfully submitted that all pending claims 1-16 are in condition for allowance and favorable indication thereof is earnestly requested.

Respectfully submitted



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